

## Message Text

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ACTION DLOS-09

INFO OCT-01 EUR-12 EA-10 IO-13 ISO-00 ACDA-12 AGRE-00  
AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 COME-00  
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01  
TRSE-00 H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00  
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02  
SS-15 ICA-11 /158 W  
-----070718 271531Z /66

P R 271500Z APR 78  
FM AMEMBASSY LONDON  
TO SECSTATE WASHDC PRIORITY 5589  
USMISSION GENEVA PRIORITY  
INFO AMEMBASSY BONN  
AMEMBASSY MOSCOW  
AMEMBASSY TOKYO  
AMEMBASSY OSLO  
AMEMBASSY BRUSSELS  
USMISSION USUN NEW YORK  
AMEMBASSY OTTAWA  
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 06671

GENEVA FOR U.S. DEL LOS  
BRUSSELS ALSO FOR USEC  
PARIS ALSO FOR US OECD

E. O. 11652: GDS  
TAGS: PLOS, IMCO, UK  
SUBJECT: LOS: U.S. ENVIRONMENTAL PROPOSALS

REF: (A) GENEVA 6103; (B) GENEVA 6295; (C) STATE 107258;  
(D) BLACK-VORBACH TELCON APRIL 26

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1. ON AFTERNOON OF APRIL 26, AMBASSADOR BREWSTER  
ACCOMPANIED BY EMBASSY SHIPPING ATTACHE CALLED UPON  
PARLIAMENTARY UNDER SECRETARY FOR FOREIGN AND COMMON-  
WEALTH AFFAIRS LUARD TO DISCUSS U.S. LOS ENVIRON-  
MENTAL TEXT PROPOSALS. ALSO PRESENT WERE ALAN  
RAMSAY OF THE FCO AND JOHN HALL OF THE DEPARTMENT  
OF TRADE. BREWSTER GAVE LUARD AN EDITED VERSION OF

THE TALKING POINTS CONTAINED IN REFTEL A AND DISCUSSED THOSE POINTS AND OTHERS, DWELLING PARTICULARLY ON THE U.S. DOMESTIC PRESSURES FOR THE CHANGES PROPOSED.

2. LUARD MADE A DETAILED RESPONSE OF WHICH THE FOLLOWING WERE THE MAIN POINTS. AFTER PROLONGED NEGOTIATIONS, A CONSENSUS HAD BEEN ACHIEVED ON PART XII, WITH WHICH THE U.K., ALTHOUGH NOT COMPLETELY HAPPY, WAS SATISFIED. NOW THE U.K. SAW A REAL DANGER OF LOSING WHAT IT HAD SECURED, BEYOND WHAT THE U.S. WAS PROPOSING, IF THE PRESENT TEXT WERE REOPENED. THE U.K. WAS PREPARED TO CONSIDER CHANGES IF THERE WAS CLEARLY AN EMERGING CONSENSUS FOR THEM, BUT THE U.S. PROPOSALS HAD NOT HAD A WHOLE-HEARTED WELCOME EITHER IN THE GROUP OF 5 OR IN THE CONFERENCE IN GENERAL. THERE WERE AS WELL DIFFERENCES OF INTEREST; THE U.K. WAS MORE OF A MARITIME COUNTRY THAN THE U.S., WHILE THE U.S. HAS A POWERFUL ENVIRONMENTAL LOBBY WORKING AGAINST SHIPPING INTERESTS. THE ENVIRONMENTAL LOBBY OF THE U.K. IS NOT SO STRONG. AS TO THE SPECIFIC U.S. PROPOSALS, THE U.K. BELIEVES STANDARDS CAN ONLY BE ESTABLISHED INTERNATIONALLY OR MERCHANT SHIPPING WILL BE IN A CHAOTIC STATE. IN THE U.K. VIEW, THESE SHOULD BE ESTABLISHED IN IMCO WHICH IN THE LAST YEAR HAS MOVED MUCH MORE RAPIDLY ON POLLUTION MATTERS THAN

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IN THE PAST.

3. DISCUSSION FOLLOWING LUARD'S GENERAL REACTION TO BREWSTER'S REMARKS AND TALKING POINTS FROM REFTEL A CONCENTRATED ON U.S. PROPOSALS FOR ARTICLES 212(2) BIS, 221(6), 229, AND 231. THROUGH REF D, EMBASSY HAD LATEST U.S. PROPOSED LANGUAGE FOR 212(2) BIS. BRITISH UNDERSTOOD OUR REASONING FOR WANTING REGIONAL ARRANGEMENT WITH CANADA AND MEXICO, BUT CONSIDERED SMALL ADDITIONAL ENFORCEMENT LEVERAGE WE WOULD GAIN WAS GREATLY OFFSET BY POTENTIAL FOR MISCHIEF FOR THE U.S. AS WELL FROM POSSIBLE ARRANGEMENTS UNDER THE PROPOSAL IN OTHER PARTS OF THE WORLD. IN 221(6) BRITISH GAVE NOTHING BUT APPEARED TO ACCEPT THE JUSTICE OF SOME OF OUR POINTS ABOUT THE INADEQUACIES OF THE PRESENT TEXT, PARTICULARLY RE PRESENT LINKING OF "DISCHARGE" TO "MAJOR DAMAGE". BRITISH SAID THEY UNDERSTOOD WE WERE WILLING TO DROP PROPOSAL ON ARTICLE 229 TO REPLACE "BEYOND THE TERRITORIAL SEA" WITH "BEYOND THE ECONOMIC ZONE". IF SO, THEY IMPLIED THEY COULD PROBABLY ACCEPT ADDITION OF "THREAT OF MAJOR DAMAGE". WE SAID THAT WE HAD NOT HEARD OF ANY SUCH CHANGE IN

U.S. PROPOSAL. MOST ANIMATED CONVERSATION WAS OVER  
ARTICLE 231 PROPOSAL, WHICH BRITISH STRONGLY OPPOSED.  
LUARD ARGUED THAT VALUE OF IMPRISONMENT AS A DETERRENT  
TO NEGLIGENT CONDUCT ON THE PART OF A MASTER AND HIS  
OFFICERS WAS DOUBTFUL AND THAT SUFFICIENTLY HIGH  
FINES AND THE DETENTION OF THE SHIP, EVEN FOR A DAY,  
WOULD BE A MORE MEANINGFUL DETERRENT. MOREOVER, IT

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C O N F I D E N T I A L SECTION 02 OF 02 LONDON 06671

WAS POLITICALLY VERY DIFFICULT FOR THE U.K. TO  
SUPPORT THE U.S. PROPOSAL. HE HAD JUST HAD A VISIT  
FROM THE BRITISH MASTERS UNION URGING THE U.K.  
STRONGLY TO OPPOSE ANY CHANGE IN ARTICLE 231.

4. BREWSTER STRESSED THE DIFFICULTIES OF OBTAINING  
SENATE APPROVAL FOR RATIFICATION OF A TREATY THAT  
DID NOT ALLOW THE U.S. TO PROTECT ITSELF AGAINST

POLLUTION. HE NOTED THAT A TREATY IN FORCE WOULD HAVE CONSIDERABLE VALUE FOR U.K. NAVIGATION INTERESTS BY VIRTUE OF THE AGREEMENT REACHED IN PART II AND  
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THAT THE U.S. THROUGH ITS PROPOSALS FOR BASICALLY MODEST CHANGES IN THE ENVIRONMENTAL TEXTS WAS ATTEMPTING TO DRAW A SIMILAR LINE IN THAT AREA. WITHOUT A TREATY IN FORCE, MARITIME NATIONS COULD EXPECT MUCH MORE DANGEROUS INTERFERENCES FROM UNILATERALISM, EVEN IF THE COASTAL STATES DESIROUS OF GREATER AUTHORITY WERE ONLY A MINORITY OF THE LOS STATES. LUARD ASKED IF, INSTEAD OF CHANGING THE LOS TEXT, THERE WERE NOT SOME WAY OF CONCILIATING THE U.S. ENVIRONMENTAL LOBBY. HE THOUGHT THAT SHOWING HOW HARD THE U.S. DEL HAD TRIED TO MAKE CHANGES AND THE EXTENT OF OPPOSITION FROM OTHER NATIONS SHOULD HAVE AN IMPACT. BREWSTER EXPRESSED HIS DOUBTS. HE HOPED

THE U.K. WOULD CONSIDER WHERE OPPORTUNITY FOR CONSTRUCTIVE COMPROMISE RESIDES. LUARD INDICATED THAT THE U.K. WAS PREPARED TO CONSIDER CHANGES BUT WANTED TO GAUGE THE GENERAL FEELING OF THE CONFERENCE.

5. WE ALSO DISCUSSED THIS PROBLEM WITH STANLEY CLINTON DAVIS, THE JUNIOR MINISTER IN THE DEPARTMENT OF TRADE RESPONSIBLE FOR SHIPPING, TAKING THE GENERAL LINE OF REFTEL (A), THOUGH NOT IN FULL DETAIL. DAVIS, IN RESPONSE, CITED THE PROBLEMS OF ARREST BY OTHER COUNTRIES, PARTICULARLY IN THE THIRD WORLD, AND OBJECTIONS TO PUTTING SHIPS AND PEOPLE IN THE HANDS OF COUNTRIES WITH INADEQUATE LEGAL SYSTEMS. HE ALSO STRESSED THE IDEA OF GLOBAL RULES MADE THROUGH IMCO. HOWEVER HE SAID HE WOULD INFORM THE SECRETARY OF STATE FOR TRADE, EDMUND DELL, OF OUR COMMENTS.

6. REFTEL C WAS RECEIVED AFTER BREWSTER'S VISIT  
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TO LUARD. IN THE DISCUSSION, BREWSTER COVERED THE SUBSTANCE OF ALL THE ADDITIONAL POINTS MADE IN REFTEL C EXCEPT THAT ON THE IRISH FORMULA IN PARA 5G. EMBASSY WILL TAKE THE OPPORTUNITY TO MAKE THAT POINT AND REITERATE OTHERS IN CONVERSATIONS LATER THIS WEEK WITH WORKING LEVEL U.K. LOS OFFICIALS IN

THE FCO AND THE DEPARTMENT OF TRADE.

BREWSTER

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## Message Attributes

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**Channel Indicators:** n/a  
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**Copy:** SINGLE  
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**TAGS:** PLOS, UK, US, IMCO  
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